

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 09/489954

Filing Date: January 24, 2000

Title: METHOD FOR FORMING A STORAGE CELL CAPACITOR COMPATIBLE WITH HIGH DIELECTRIC CONSTANT MATERIALS

Page 9

Dkt: 303.434US2

REMARKS

As a result of this amendment, claims 40-41, 44-47, 52-56, 88-89, 94-99, and 106-116 are now pending in this application. Of these claims 56, 88-89 and 112-116 were identified as allowed in the Office Action and claims 44-46, 54, 95-97 and 108 were identified as allowable if rewritten in independent form. Applicant has elected to rewrite these claims pursuant to this identification and thus believes they are in condition for allowance. Additionally, the remaining claims either previously stemmed from one of the allowable claims or have been amended to do so. Accordingly, applicant requests respectfully that the Examiner withdraw any remaining rejections of these claims.

Reservation of Rights

Applicant reserves all applicable rights not exercised in connection with this response, including, for example, the right to swear behind one or more of the cited references, the right to rebut any tacit or explicit characterization of the references, and the right to rebut any asserted motivation for combination. Applicant makes no admission regarding the prior art status of the cited references, regarding them only as being of record in the application. Additionally, applicant reserves the right introduce the subject matter of the canceled claims in one or more continuation applications.

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Page 10

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CONCLUSION

In view of the amended claims, applicant respectfully requests that all rejections and objected be withdrawn. Additionally, applicant invites the Examiner to telephone its patent counsel Eduardo Drake at (612) 349-9593 to resolve any issues which could delay allowance.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

18 Feb. 2004

By

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I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Amy J. Moriarty

Amy J. Moriarty

Feb. 18, 2004
Date of Transmission